

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Nathaniel Chad Riley,
formerly Nathaniel C. Riley II, #235082

Plaintiff,

vs.

Mark Bourdon; Charles M. Condon;
Henry McMasters; David Swacky,

Defendants.

C.A. No. 2:08-3899-HMH-BM

OPINION & ORDER

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Bristow Marchant made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.¹ Plaintiff, Nathaniel Chad Riley (“Riley”), a state prisoner proceeding pro se, seeks monetary compensation from Defendants for alleged violations of his civil rights pursuant to 42 U.S.C. § 1983. Riley alleges that his 1997 convictions in the Charleston County Court of General Sessions for purchasing crack cocaine, purchasing crack cocaine within one-half mile of an elementary school, and resisting arrest, were unconstitutional and seeks damages for the time he spent incarcerated in the South Carolina Department of Corrections (“SCDC”). Magistrate Judge Marchant recommends that the court dismiss the complaint without prejudice and without issuance and service of process.

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1) (2006).

Riley filed objections to the magistrate judge's Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Riley's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. Therefore, after a thorough review of the magistrate judge's Report and the record in this case, the court adopts the Report and Recommendation.

It is therefore

ORDERED that Riley's complaint, docket number 1, is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
January 8, 2009

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.